

REMARKS

This Amendment After Final Rejection is submitted in response to the outstanding final Office Action, dated June 9, 2010. The present application was filed on November 9, 2000 with claims 1 through 35. Claims 3, 6-16, 19, 22-31, and 33-35 were cancelled in previous responses. Claims 1, 2, 4, 5, 17, 18, 20, 21, and 32 are presently pending in the above-identified patent application. Claims 1, 2, 4, 17, 18, 20, and 32 are amended herein.

This amendment is submitted pursuant to 37 CFR §1.116 and should be entered. The Amendment places all of the pending claims, i.e., claims 1, 2, 4, 5, 17, 18, 20, 21, and 32, in a form that is believed allowable, and, in any event, in a better form for appeal. It is believed that examination of the pending claims as amended, which are consistent with the previous record herein, will not place any substantial burden on the Examiner. In any case, a Request for Continued Examination is being submitted herewith.

The Examiner rejected claims 1, 2, 4, 5, 17, 18, 20, 21, and 32 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner rejected claims 1, 2, 4, 5, 17, 18, 20, 21, and 32 under 35 U.S.C. §103(a) as being unpatentable over Woolston (United States Patent Number 6,266,651 B1) in view of Gulati et al. (United States Patent Number 6,778,968) and further in view of Gary (United States Patent Number 6,618,707 B1).

Section 112 Rejections

Claims 1, 2, 4, 5, 17, 18, 20, 21, and 32 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the Examiner asserts that it is unclear if the steps of establishing and receiving are performed by a processor.

Applicant notes that independent claim 1 requires that at least the dividing, posting, and comparing steps are performed by a processor. The entity which performs the remaining steps is a design choice, as would be apparent to a person of ordinary skill in the art.

Regarding claims 1, 17, and 32, the Examiner asserts that it is unclear at which step of the claim the transactions are processed and indicates that the limitation “to identify pending bids...” is interpreted as an intended use of the comparing step.

Applicant notes that the preamble of claims 1, 17, and 32 has been amended to require “processing *bids*.” Applicant also notes that the comparing step identifies pending bids that are in proximity to each divided bid and, therefore, the cited limitation is *not* simply intended use, but is a characteristic of the comparing step. The cited recitation is an affirmative limitation and should be given patentable weight.

Regarding claims 2 and 18, the Examiner asserts that it is not clear if the “said bid” refers to the received bid or the divided bids.

Applicants note that the cited claims have been amended to require preventing “one or more of said divided bids” from being posted to market participants not in said one or more authorized market segments.

Regarding claims 4-5 and 20-21, the Examiner asserts that it is not clear if the two bids that are in proximity refer to a posted divided bid and a pending bid in proximity to it or just any two pending bids that are in proximity to each other.

Applicants note that claims 4 and 20 have been amended to require that the two bids are “two of said compared bids.”

Applicant respectfully requests that the section 112 rejections be withdrawn.

Independent Claims 1, 17 and 32

Independent claims 1, 17, and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Woolston in view of Gulati et al. and further in view of Gary. Regarding claims 1, 17, and 32, the Examiner asserts that Gulati discloses dividing by a processor said bid into a plurality of divided bids (FIGS. 20-22; col. 9, lines 12-25).

Applicant notes that independent claims 1, 17, and 32 have been amended to require *wherein a pull market of each market participant is based on one or more push market segments defined by other market participants*. (Support for this amendment can be found on page 8, lines 10-26, of the originally filed disclosure.) None of the cited references disclose or suggest *wherein a pull market of each market participant is based on one or more push market segments defined by other market participants*.

Thus, Woolston, Gulati, and Gary, alone or in combination, do not disclose or suggest wherein a pull market of each market participant is based on one or more push market segments defined by other market participants, as required by independent claims 1, 17, and 32, as amended.

5 Dependent Claims

Claims 2, 4, and 5 and claims 18, 20, and 21 are dependent on independent claims 1 and 17, respectively, and are therefore patentably distinguished over Woolston, Gulati et al., and Gary, alone or in combination, because of their dependency from amended independent claims 1 and 17 for the reasons set forth above, as well as other
10 elements these claims add in combination to their base claim.

Conclusion

All of the pending claims following entry of the amendments, i.e., claims 1, 2, 4, 5, 17, 18, 20, 21, and 32, are in condition for allowance and such favorable action is earnestly solicited.

15 If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

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